PUBLIC NOTICE

US Army Corps of Engineers®

RECEIPT OF APPLICATION FOR A CORPS PERMIT, NOTICE OF INTENT TO PREPARE A DRAFT EIS/EIR AND HOLD A PUBLIC SCOPING MEETING

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2010-00142-LLC
Comment Period: June 21, 2010 through July 24, 2010
Project Manager: Lanika Cervantes; 760.602.4838; Lanika.L.Cervantes@usace.army.mil

Applicant and Contact

Kim Nicol
California Department of Fish and Game
78078 Country Club Drive, Suite 109, Bermuda
Dunes, CA 92203
(760) 200-9178

Location

The proposed project would be located within the Salton Sea in Imperial and Riverside County, California.

Activity

The U.S. Army Corps of Engineers (Corps), in conjunction with the California Natural Resources Agency, is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the construction of the Salton Sea Species Conservation Habitat (SCH) Project. The SCH project consists of the creation of a shallow habitat pond complex that would be constructed in phases depending on funding and land availability. Habitat would be constructed over multiple years, as the Sea recedes, until the targeted acreage of habitat was reached. It is currently anticipated that about 2,400 acres of habitat would be created as part of the SCH Project, although the actual amount may vary depending on the outcome of the alternatives development process. For more information, see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344). Written comments should be mailed to:

Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: 2010-00142-LLC
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

Alternatively, comments can be sent electronically to: Lanika.L.Cervantes@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, because the proposed action would discharge dredged or fill material into waters of the U.S., the evaluation of the activity will include application of the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines (40 C.F.R. Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. In this case, comments will be used in the preparation of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A determination has been made that an environmental impact statement (EIS) is required for the proposed activities, based on the Corps's independent determination that the proposed action could result in potentially significant impacts. It is expected that a Draft EIS will be prepared and published by early-2011.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and is not expected to affect coastal zone resources.

Cultural Resources- The Corps and the Applicant are still in the process of collecting information of the potential sites and will continue to evaluate potential effects on cultural resources. Consultation with the State Historic Preservation Officer, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, will occur for any anticipated effects of the proposed activities on cultural resources eligible for listing or listed on the National Register of Historic Places.

Endangered/Threatened Species- Preliminary determinations indicate that the proposed activities may affect federally listed endangered or threatened species, or their critical habitat. Federally listed species known or having high potential to occur in the areas selected around the Salton Sea, based on previous survey results, include least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), desert pupfish (*Cyprinodon macularius*), Yuma Clapper rail (*Rallus longirostris yumanensis*), and California Least tern (*Sterna antillarum browni*). Additional on-site surveys for federally listed species are being conducted at this time to provide current information. Thus, formal consultation under Section 7 of the Endangered Species Act appears to be required.

Public Meeting/Hearing- The Corps and the Natural Resources Agency will jointly conduct a series of public scoping meetings to receive public comments regarding the appropriate scope and content of the SCH Project DEIS/DEIR and to assess public concerns. Parties interested in being added to the electronic mail notification list for any projects associated with the Salton Sea can register at: http://www.spl.usace.army.mil/regulatory/ under the Public Notice tab, Distribution List registration. This list will be used in the future to notify the public about scheduled hearings and availability of future public notices. Parties interested in obtaining additional information about the SCH Project can also visit the Natural Resources Agency website at http://resources.ca.gov/restoring_the_salton_sea.html.

The scoping meetings will be held at:

1. Palm Desert—**July 7, 2010 at 1:00 P.M.** at University of California, 75-080 Frank Sinatra Drive, Room B200, Palm Desert, CA 92211.

2. Thermal—**July 7, 2010 at 6:30 P.M.** at Torrez-Martinez Tribal Administration Building, 66-725 Martinez Road, Thermal, CA 92274.

3. Calipatria—**July 8, 2010 at 1:00 P.M.** at Calipatria Inn and Suites, 700 North Sorenson Avenue, Calipatria, CA 92233.

4. Brawley—**July 8, 2010 at 6:30 P.M.** at Elks Lodge #1420, 161 South Plaza, Brawley, CA 92227.

During these public scoping meetings, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the number of people who wish to make verbal

comments. At this time, we estimate that individuals will be given 2 or 3 minutes to provide their comments verbally. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We will allocate a larger amount of time to official representatives of such groups upon request.

Groups wishing to designate an official representative must notify the Corps in writing prior to, but no later than **July 1, 2010**. The determination of this extended speaking time will be based on the number of responses received by the Corps. This rule will be strictly enforced at the discretion of the Corps' hearing officer.

The public scoping meetings will provide the opportunity for the public to provide comments on the proposal that will be entered into the administrative record. In addition, the Corps will be receiving written comments into the record from anyone who wishes to provide them until **July 24, 2010** (i.e., the close of the comment period for this public notice).

The Corps also anticipates holding a public hearing to obtain input on the Draft EIS/EIR when it becomes available and is circulated to the public (expected by early-2011).

Proposed Activity for Which a Permit is Required

CDFG, as the project applicant, proposes to construct, operate, and maintain the SCH project; approximately 2,400 acres of exposed playa of the Salton Sea will be converted to shallow pond and wetland complexes. The SCH project would impact areas within the Ordinary High Water Mark of the Salton Sea and adjacent wetlands.

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic purpose of the proposed SCH Project is to create aquatic habitat to protect the fish and wildlife species dependent on the Salton Sea in accordance with California Fish and Game Code, Section 2932. This project is a water dependent activity.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to develop a range of aquatic habitats that will support fish and wildlife species dependent on the Salton Sea.

Additional Project Information

Background information- The Salton Sea is located in both Imperial and Riverside counties in southeastern California, approximately 35 miles north of the U.S. Mexico border and 50 miles west of the Colorado River. Preliminary evaluations of potential sites indicate that SCH ponds could be constructed at either the north end of the Salton Sea near the Whitewater River, or the south end of the Salton Sea near the New and Alamo rivers, or in both areas.

As the Sea recedes and becomes more saline, fish species will not be able to survive. Simultaneously, the fish-eating birds, including several species of special concern, will lose their forage base and begin to disappear. As the Sea continues to become more saline, current invertebrate species will become less diverse and be replaced by species tolerant of hyper-saline environments

(e.g., brine flies and brine shrimp).

The SCH Project would provide habitat for both fish and invertebrate species, which in turn would provide forage for the numerous bird species dependent on the Salton Sea ecosystem. Salinity would be managed to support various assemblages of invertebrates and fish to diversify the prey base for as wide a variety of bird species as possible. The SCH ponds would be designed to serve those piscivorous bird species that are expected to experience significant declines as functional Salton Sea habitat is lost due to increasing salinity.. For many of these species, a significant proportion of their population uses the Salton Sea.

Project description- The SCH Project is being developed as a proof-of-concept project for future restoration to verify that the core ideas are functional and feasible prior to attempting a full scale restoration of the Salton Sea. The SCH Project would help establish viability, technical issues, and overall direction, as well as providing feedback for costs and requirements of construction, operations and management. The SCH Project would be created in phases as the Sea recedes by constructing dikes below the elevation of -228 feet mean sea level (msl) using material excavated from the sea bed. Rivers, which have better water quality than agricultural drain water, would provide the primary source of water for the ponds.

Habitat ponds would vary in size, and several ponds could be constructed in each phase depending on funding and land availability. Habitat would continue to be constructed in subsequent years as the Sea continues to recede until the targeted acreage of habitat was reached. It is currently anticipated that about 2,400 acres of habitat would be created as part of the SCH Project, although the actual amount may vary depending on the outcome of the alternatives development process.The SCH would be designed with varying ranges of salinity in order to maximize biological productivity and minimize adverse effects associated with water quality. Ponds would be designed to optimize fish habitat and maximize fish productivity to provide a sustainable prey base for piscivorous birds. Ponds could also be managed to optimize invertebrate production to enhance the prey base for shorebirds and wading birds.

The depth of water in the ponds is dependent on the slope of the sea bed, but could range up to approximately 6 feet, depending on the areas available for development as the surface water elevation declines. Deeper areas could be created by excavating materials from within the ponds for construction of the dikes or islands. The dike separating adjacent ponds at similar elevations could also be modified to form larger ponds in the future, with portions of the original dike left intact to form islands.

A sedimentation basin could be constructed on lands above elevation -228 msl, or the first SCH pond could function as a sedimentation basin in addition to providing habitat. The first pond may need to be drained periodically for vegetation management and sediment removal; triggers for such actions will be developed as part of the adaptive management plan. Water discharged from the first pond would flow into other ponds, and from there into further ponds and/or into the Salton Sea.

A variety of methods for managing salinity will be thoroughly evaluated in the EIR/EIS. Several methods are currently under consideration, although additional methods may be identified as part of the scoping process and as a result of special studies that are underway. The method currently being considered is evapo-concentration of salts, which would result in higher salinity in each subsequent pond until the maximum salinity suitable for optimal biological productivity was achieved. Once the maximum desired salinity was achieved, the next series of ponds could again initially be supplied by

river water. Saline water from the earlier ponds could be blended with river water to obtain targeted salinities in some of the newer ponds. If not needed for blending in the next phase of ponds, saline water from the ponds would discharge to the Salton Sea. This process would result in a mix of salinities throughout the SCH complex, with salinities being managed by balancing river inflow, evaporation, and discharge. Higher salinities in the initial ponds, if needed, could be achieved by temporarily blending diverted river water with saline water pumped from the Salton Sea. If necessary, temporary pumping could also be used to initially achieve the targeted salinities in subsequent series of ponds, but longer-term salinity management would be maintained by balancing inflows, evaporation, and discharge. If additional salt water were needed in future years to maintain salinity, saline water from the higher salinity ponds could be recirculated to the lower salinity ponds.

Siting SCH ponds adjacent to the confluence of the New, Alamo, or Whitewater rivers and the Salton Sea would minimize the need for conveyance facilities to transport freshwater from these rivers to the ponds. Water flow from the rivers and between the ponds could be controlled with valves to be able to respond to varying evaporation or seepage rates and to allow changes in operations to modify salinity or water depth goals. The precise method of conveying water will be evaluated as part of the engineering design and environmental review process.

Monitoring and evaluation would commence upon completion of the ponds in the first year and would continue thereafter. A monitoring and adaptive management plan would be implemented to monitor and evaluate biological and water quality parameters, habitat function, and engineering performance of the SCH Project. Information obtained from monitoring and evaluation would be used to refine the engineering design, wildlife management criteria, and adaptive strategies for continued development of subsequent phases of the SCH Project. Adaptive and flexible strategies would reduce the risks and uncertainties associated with operating larger complexes and facilitate managing or mitigating observed issues and problems.

Through the EIS/EIR process, feasible environmental mitigation measures will be developed to reduce potential environmental impacts. Measures to reduce construction impacts would be implemented through construction contract specifications and permit requirements.

Issues- There are several potential environmental issues that will be addressed in the Draft EIS/EIR. Additional issues may be identified during the scoping process. Issues initially identified for evaluation in the Draft EIS/EIR as potentially significant or that are believed to be of local concern include:

1. Agricultural Resources: impacts from conversion of farmland to non-agricultural use, and dust due to construction.
2. Air Quality: impacts during construction, operations, and maintenance, and also the beneficial impact on fugitive dust from covering exposed playa with water.
3. Biological Resources: impacts on fish and wildlife during construction, operations, and maintenance.
4. Cultural Resources: potential impacts to archaeological resources, human remains, and sacred sites activities.
5. Environmental Justice: potential effects on the Torres Martinez Desert Cahuilla Indian Tribe and other local communities from construction, operations, and maintenance activities.

6. Geology and Soils: impacts during construction, operations, and maintenance

7. Greenhouse Gas Emissions/Climate Change: impacts during construction, operations, and maintenance.

8. Hazards and Hazardous Materials: impacts during construction, maintenance, and operations.

9. Hydrology and Water Quality: impacts during construction, operations, and maintenance.

10. Indian Trust Assets: effects on Torres Martinez Tribe's trust assets from development of the sites near the Whitewater River.

11. Land Use: potential conflicts with other existing or planned land uses and local plans, policies, and ordinances.

12. Noise: impacts during construction, operations, and maintenance.

13. Paleontological Resources: potential impacts from ground-disturbing activities.

14. Transportation and Traffic: impacts during construction, operations, and maintenance.

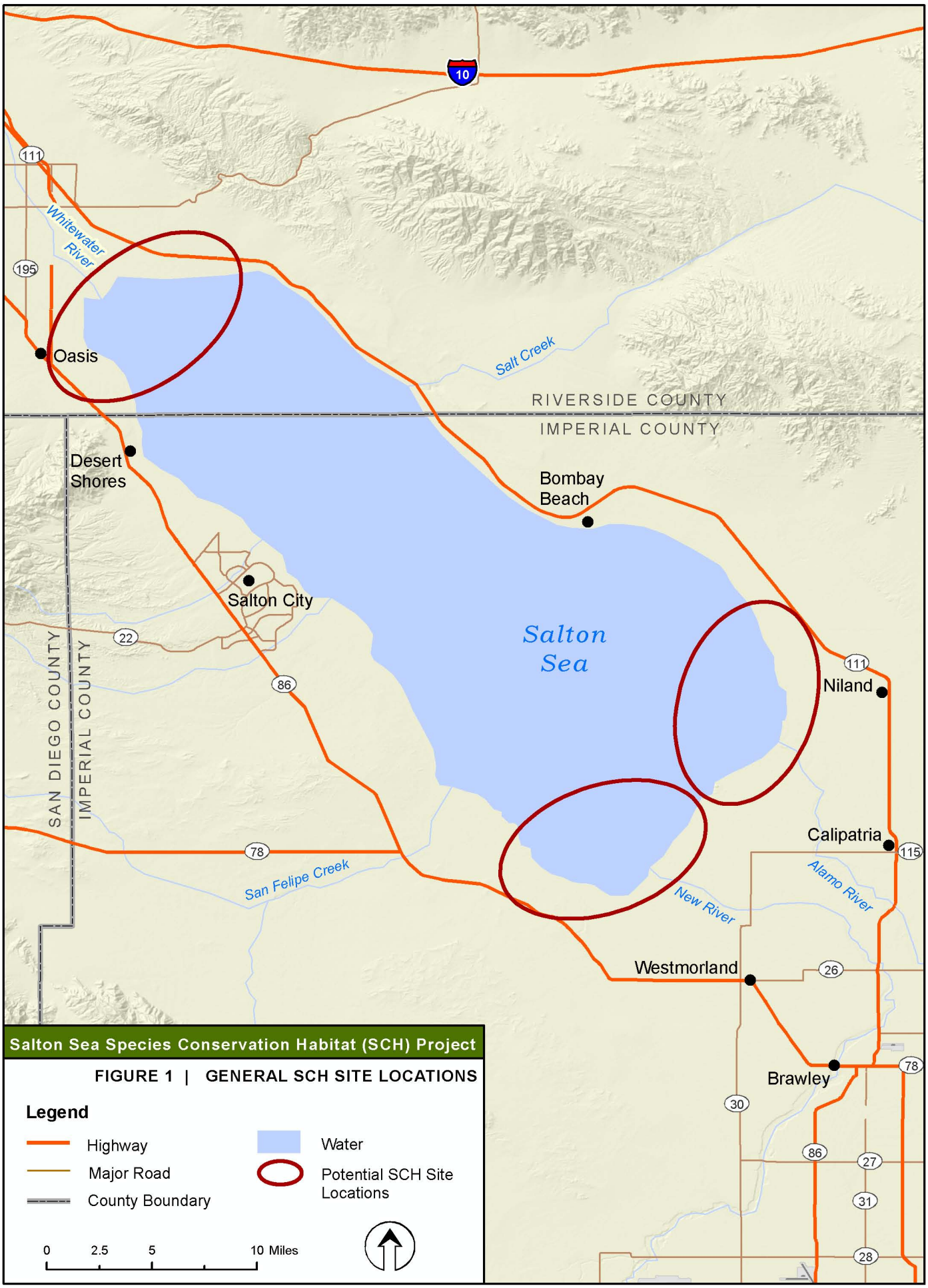
Alternatives- Several alternatives are being considered for the proposed action. The EIS/EIR may include a co-equal analysis of the project alternatives considered. Alternatives initially being considered for the SCH Project include: (a) alternative locations (at the confluence of the New, Alamo, or Whitewater rivers and the Salton Sea, or a combination of sites); (b) different acreages of created habitat; (c) different pond sizes and configurations; (d) different ranges of salinity within the ponds; and (e) no action. The range and characteristics of the alternatives addressed in the EIS/EIR will be further developed based on input from the scoping process and special studies that are underway.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the Section 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance/minimization: The Applicant is still in the conceptual design phase of their project and will be working closely with the Corps and other permitting Agencies to develop designs that will avoid and minimize potentially negative impacts to aquatic resources to the highest extent practicable.

Compensation: The applicant is proposing to compensate for the impacts to waters/wetlands of the U.S. through the creation of wetlands as part of the project design.

For additional information please call Ms. Lanika Cervantes of my staff at (760) 602-4838 or via e-mail at Lanika.L.Cervantes@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.


10
111
195
Whitewater River
Oasis
Salt Creek
RIVERSIDE COUNTY
IMPERIAL COUNTY
Desert Shores
Bombay Beach
Salton City
Salton Sea
22
86
SAN DIEGO COUNTY
IMPERIAL COUNTY
111
Niland
Calipatria
115
78
San Felipe Creek
New River
Alamo River
Westmorland
26
Brawley
78
30
86
27
31
28
Salton Sea Species Conservation Habitat (SCH) Project
FIGURE 1 | GENERAL SCH SITE LOCATIONS
Legend
Highway
Major Road
County Boundary
Water
Potential SCH Site Locations
0
2.5
5
10 Miles